

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 23-cr-20566

Plaintiff,

F. Kay Behm

v.

United States District Judge

LEWIS JAQUON NELSON,

Defendant.

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**ORDER GRANTING IN PART THE GOVERNMENT’S
MOTION TO HOLD BRIEFING SCHEDULE IN ABEYANCE (ECF No. 42)**

This case is before the court on the Government’s unopposed motion to hold the briefing schedule for Defendant Lewis Jaquon Nelson’s motion to dismiss in abeyance, pending the issuance of relevant decisions from the United States Supreme Court and the Sixth Circuit Court of Appeals. (ECF No. 42). The court, having considered the Government’s unopposed motion, and finding good cause, hereby **GRANTS** the motion to hold briefing in abeyance. However, the court shortens the deadline to July 30, 2024, rather than the requested September 30, 2024.¹

¹ If the relevant decisions are not filed by July 30, 2024, the court is willing to reconsider an additional extension to the deadline. However, at this point, the court is more comfortable with a 50-day extension than a 112-day extension.

Accordingly, the court **ORDERS:**

1. The Government's response to Defendant's motion to dismiss (ECF No. 36) shall be due fourteen days after both the Sixth Circuit Court of Appeals issues an opinion in *United States v. Goins*, Case No. 23-5848, and the Supreme Court issues an opinion in *United States v. Rahimi*, Case No. 22-915, or by July 30, 2024, whichever is earlier;

2. The additional time for the government to file its response brief shall be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(D) and § 3161(h)(7), because upon consideration of the factors in § 3161(h)(7)(B), the court finds that the ends of justice served by this continuance outweigh the best interests of the public and the Defendant in a speedy trial; and

3. The hearing on Defendant's motion to suppress (ECF No. 29) and Defendant's motion to dismiss (ECF No. 36), currently scheduled for July 29, 2024, is cancelled. A new hearing will be set following the submission of the Government's response to Defendant's motion to dismiss.

SO ORDERED.

Date: June 6, 2024

s/F. Kay Behm

F. Kay Behm

United States District Judge